

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**CENTRAL STATES, SOUTHEAST
AND SOUTHWEST AREAS PENSION
FUND, CENTRAL STATES,
SOUTHEAST AND SOUTHWEST
AREAS HEALTH AND WELFARE
FUND, and HOWARD MCDOUGALL,
Trustee,**

Plaintiffs,

v.

**AGL RESOURCES, INC., a Georgia
Corporation; NUI CAPITAL CORP., a
Florida Corporation; and PIVOTAL
UTILITY HOLDINGS, INC., F/K/A
NUI UTILITIES, INC., a New Jersey
Corporation,**

Defendants.

**AGREED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD**

Defendants AGL RESOURCES, INC., a Georgia Corporation; NUI CAPITAL CORP., a Florida Corporation; and PIVOTAL UTILITY HOLDINGS, INC., F/K/A NUI UTILITIES, INC., a New Jersey Corporation by their attorneys, hereby move for a twenty-eight (28) day extension of time to Answer or Otherwise Plead to Plaintiffs' Complaint, up to and including February 6, 2008. In support of this Motion, Defendants state as follows:

1. The Complaint in this action was filed on or about December 10, 2007. On or about December 20, 2007, Plaintiffs served on Defendants a copy of the Complaint. Accordingly, Defendants' Answer or other responsive pleading is due on January 9, 2008.
2. The Complaint essentially alleges that Defendants breached their obligation under

No. 07 C 6933

Judge Manning
Magistrate Judge Denlow

a pension fund agreement and a health and welfare fund trust agreement, respectively, to make continuing and prompt payments to Plaintiffs as established by an audit.

3. On January 4, 2008, Defendants' counsel contacted Plaintiffs' counsel regarding previous written communications between the parties of which counsel was not privy and which might impact the substance of the instant dispute. Plaintiffs' counsel then asked for additional time to investigate these communications.

4. The time Plaintiffs' counsel needs to investigate runs against Defendants' time to Answer or Otherwise Plead. In addition, Defendants' counsel has recently been retained to represent Defendants and needs additional time to gather information in order to prepare a proper responsive pleading.

5. The parties have therefore agreed to the filing of the instant motion seeking the Court's order for an extension of time for Defendants to file their answer or to otherwise plead.

6. This request is not intended for purposes of delay. This is the first extension requested by either party.

WHEREFORE, Defendants request that this Court grant this Agreed Motion for Extension of Time to Answer or Otherwise Plead and extend time, up to and including February 6, 2008.

/s/ Frederick L. Schwartz

Frederick L. Schwartz (#06204341)

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Dated: January 7, 2008
Firmwide: 83989935.1 039906.1000